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MR. AND MRS. ROBERT and JILL LEAL

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

In the matter of:

DRAFT CLEANUP AND ABATEMENT ORDER
THE WIDE AWAKE MERCURY MINE
COLUSA COUNTY

Amended Declaration of Robert Leal

I, Robert Leal, declare:

1. I am a person named in the Draft Cleanup and Abatement Order revised as of June 10, 2009 (the "Draft Order"). My business address is 950 Tharp Road, Suite 201, Yuba City, California 95993.

2. During the early 1990s, I owned a half interest in property identified by Attachment B to the Draft Order as the former Wide Awake Mine (the "Site"). I never at any time conveyed any interest in the Site to my wife, Jill Leal.

3. As part of the sale of my interest in the parcels that make up the Site, the title company insisted that my wife sign deeds conveying any interest she might have in the Site to me, even though she did not have any interest. I understood these deeds to be a formality that title companies insist on.

4. I am a farmer. I have never studied mining, and I have no knowledge about mining issues. I do not have any specific knowledge about mercury, its occurrence or movement in soil or water, its chemistry or biochemistry, or its toxicology or risk to human health or the environment. I never studied, and am not an expert in, chemistry, biochemistry, or toxicology.

5. I purchased a larger area of property (the "Property"), of which the Site was a relatively small portion, for investment purposes. I learned about the Property from Tom Nevis, who controlled Goshute Corporation. Mr. Nevis had arranged to purchase the property from Wells Fargo Bank, but needed money to complete the transaction. I provided that money, and in return received a half interest in the Property. The other half interest went to NBC Leasing, another corporation controlled by Mr. Nevis.

6. I never conducted any operations on the Property. I leased it out to the Harter Land Company, which used it for grazing.

7. I understand that waste materials from mining operations may be located on the Site. I did not place any of these materials, or direct anyone else to place them. I was not even aware that they existed on the Site until this year.

8. I am not certain when I was told that there was a former mine on the Site. The U.S. Bureau of Land Management provided me with an evaluation by their geologist dated November 6, 1992, which I understand will be submitted to the Regional Board as part of my comments. I do not remember when I received the document.


9. After I sold part of the Property to the Bureau of Land Management, I went to look for the former mine. I had assumed that it was a gold mine, and did not understand that it was a mercury mine. I was taken there by Roy Whiteaker, who was the real estate broker trying to sell the Site, and who owns Cal Sierra Properties, which eventually bought the Site to use for hunting. We never saw anything that looked like a mine. All we saw was a remnant of a brick structure. I did not see any piles of rock or other materials. I did not, and still do not, know what "tailings" are. Grass had grown over the area, and there was not much to see. I did not see anything that seemed like it might contain mercury. I did not, and still would not, know what mercury looked like even if I saw it. Other than that one visit, I have never been to the area.

10. I have reviewed photographs, provided by Regional Board staff, showing what they say are remnants of mining facilities and mining wastes at the Site. I did not see these facilities and wastes when I visited the area.

11. During the time I partly owned the Site I did not know that mercury might be leaving the Site. I did not know that anything on the Site might be causing a nuisance. No one ever informed me, during the time of my part ownership, that mercury might be leaving the Site or that anything on the Site might be causing a nuisance. I had absolutely no idea that I should be doing anything on the Site to protect public health or the environment.

I hereby declare under penalty of perjury under the laws of the State of California that the statements made in this declaration are true and correct.

Dated: September 15, 2009



Robert Leal